

FILED

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CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	<u>SUPERSEDING INDICTMENT</u>
	)	
Plaintiff,	)	JUDGE BENITA Y. PEARSON
	)	
v.	)	CASE NO. 1:18-CR-00174
	)	Title 18, United States Code,
CODY DAVID SWINNERTON,	)	Sections 2251(a), 2252(a)(2),
	)	2252A(a)(5)(B), 2251(c)(1)(A)
Defendant.	)	

COUNT 1

(Sexual Exploitation of Children, 18 U.S.C. § 2251(a))

The Grand Jury charges:

From in or about March 17, 2013 through on or about December 31, 2013, in the Northern District of Ohio, Eastern Division, Defendant CODY DAVID SWINNERTON did use, persuade, induce, entice and coerce a minor (to wit: Minor Victim #1, whose identity is known to the Grand Jury) to engage in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), for the purpose of producing a visual depiction of such conduct and such visual depiction was produced or transmitted using materials that had been mailed, shipped, and transported in or affecting interstate or foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2251(a).

COUNT 2

(Sexual Exploitation of Children, 18 U.S.C. § 2251(a))

The Grand Jury further charges:

From in or about June 1, 2017 through on or about October 31, 2017, in the Northern District of Ohio, Eastern Division, Defendant, CODY DAVID SWINNERTON, did use,

persuade, induce, entice and coerce a minor (to wit: Minor Victim #2, whose identity is known to the Grand Jury) to engage in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), for the purpose of producing a visual depiction of such conduct and such visual depiction was produced or transmitted using materials that had been mailed, shipped, and transported in or affecting interstate or foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2251(a).

COUNT 3

(Sexual Exploitation of Children, 18 U.S.C. § 2251(a))

The Grand Jury further charges:

From in or about October 1, 2018 through on or about December 31, 2018, in the Northern District of Ohio, Eastern Division, Defendant, CODY DAVID SWINNERTON, did use, persuade, induce, entice and coerce a minor (to wit: Minor Victim #3, whose identity is known to the Grand Jury) to engage in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), for the purpose of producing a visual depiction of such conduct and such visual depiction was produced or transmitted using materials that had been mailed, shipped, and transported in or affecting interstate or foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2251(a).

COUNT 4

(Receipt of Visual Depictions of Minors Engaged in Sexually Explicit Conduct,  
18 U.S.C. § 2252(a)(2))

The Grand Jury further charges:

From on or about March 17, 2013 through on or about June 12, 2018, in the Northern District of Ohio, Eastern Division, and elsewhere, Defendant, CODY DAVID SWINNERTON, did knowingly receive, using any means and facility of interstate and foreign commerce, numerous computer files, which files contained visual depictions of real minors engaged in

sexually explicit conduct, and which files had been shipped and transported in and affecting interstate and foreign commerce, as defined in Title 18, United States Code, Section 2256(2), in violation of Title 18, United States Code, Section 2252(a)(2).

COUNT 5

(Possession of Child Pornography, 18 U.S.C. § 2252A(a)(5)(B))

The Grand Jury further charges:

From in or about December 23, 2018 through on or about January 25, 2019, in the Northern District of Ohio, Eastern Division, Defendant, CODY DAVID SWINNERTON, did knowingly possess a Toshiba Satellite laptop and an Apple iMac computer that contained child pornography as defined in Title 18, United States Code, Section 2256(8), which child pornography had been shipped and transported in interstate and foreign commerce by any means, including by computer, and which was produced using materials which had been shipped and transported in interstate and foreign commerce by any means, including by computer, and at least one image involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

COUNT 6

(Sexual Exploitation of Children, 18 U.S.C. § 2251(a))

The Grand Jury charges:

From in or about August 12, 2018 through on or about August 15, 2018, in the Northern District of Ohio, Eastern Division, Defendant CODY DAVID SWINNERTON did use, persuade, induce, entice and coerce a minor (to wit: Minor Victim #4, whose identity is known to the Grand Jury) to engage in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), for the purpose of producing a visual depiction of such conduct and such visual depiction was produced or transmitted using materials that had been mailed, shipped, and

transported in or affecting interstate or foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2251(a).

COUNT 7

(Sexual Exploitation of Children, 18 U.S.C. § 2251(a))

The Grand Jury charges:

On or about March 23, 2018, in the Northern District of Ohio, Eastern Division, Defendant CODY DAVID SWINNERTON did use, persuade, induce, entice and coerce a minor (to wit: Minor Victim #5, whose identity is known to the Grand Jury) to engage in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), for the purpose of producing a visual depiction of such conduct and such visual depiction was produced or transmitted using materials that had been mailed, shipped, and transported in or affecting interstate or foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2251(a).

COUNT 8

(Sexual Exploitation of Children, 18 U.S.C. § 2251(a))

The Grand Jury charges:

From in or about October 2, 2018 through on or about October 3, 2018, in the Northern District of Ohio, Eastern Division, Defendant CODY DAVID SWINNERTON did use, persuade, induce, entice and coerce a minor (to wit: Minor Victim #6, whose identity is known to the Grand Jury) to engage in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), for the purpose of producing a visual depiction of such conduct and such visual depiction was produced or transmitted using materials that had been mailed, shipped, and transported in or affecting interstate or foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2251(a).

COUNT 9

(Sexual Exploitation of Children, 18 U.S.C. § 2251(c)(1)(A))

The Grand Jury charges:

From in or about January 24, 2019 through on or about January 31, 2019, Defendant CODY DAVID SWINNERTON, whose last known residence was in the Northern District of Ohio, Eastern Division, did use, persuade, induce, entice and coerce a minor (to wit: Minor Victim #7, whose identity is known to the Grand Jury) to engage in sexually explicit conduct outside of the United States, its territories and possessions, for the purpose of producing a visual depiction of such conduct and CODY DAVID SWINNERTON intended that such visual depiction be transported to the United States, by any means, including by using any means or facility of interstate and foreign commerce, in violation of Title 18, United States Code, Section 2251(c)(1)(A).

A TRUE BILL.

Original document - Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.